

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941 BB-ACE

RIO CHAMA STREAM SYSTEM
Section 7: Village of Chama

Subfile No. CHCV-007-0003

MOTION FOR SUBSTITUTION OF PARTIES

COMES NOW the Plaintiff State of New Mexico, *ex rel.* State Engineer (“State”) and pursuant to Fed. R. Civ. Pro. 25(c) moves the Court to issue its order substituting Kevin Yearout and Lian Yearout for defendants F. Richard Zemke and Pauline Zemke, and as grounds states as follows:

1. Kevin Yearout and Lian Yearout purchased the interests of defendants F. Richard Zemke and Pauline Zemke in the land and water rights under subfile CHCV-007-0003 by deed dated September 20, 2005. The State has reinspected the property under this subfile and has recently forwarded a proposed revised Consent Order in this subfile to the new owners for review.

WHEREFORE the State requests the Court to enter its order substituting Kevin Yearout and Lian Yearout for defendants F. Richard Zemke and Pauline Zemke in these proceedings.

Respectfully submitted,

/s/ Ed Newville
EDWARD G. NEWVILLE
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P.O. Box 25102
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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing were mailed to following persons on November 10, 2006:

Kevin Yearout
Lian Yearout
c/o Maria O'Brien, Esq.
Modrall Law Firm
P.O. Box 2168
Albuquerque, NM 87103-2168

transmitted by ACE filing to the following on the same date.

Special Master Vickie L. Gabin
USDC-DCNM
P.O. Box 2384
Santa Fe, NM 87504-2384

Karla Bruner, Data Manager
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/s/ Ed Newville
Edward G. Newville